

ATTORNEY DOCKET NO.
2001P11177US

PATENT APPLICATION
Serial No. 09/922,460

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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 11, 2004. In order to advance prosecution of this case, Applicant amends Claims 1, 4-10, 12 and 14-22, and cancels Claims 11 and 13. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objections

The Office Action objected to Claims 4-9, 11-16, and 18-22, because of informalities. Claims 11 and 13 have been canceled. And pursuant to the Examiner's request, Applicant has made the appropriate corrections to Claims 4-9, 12, 14-16 and 18-22.

Section 102/103 Rejections

The Office Action rejects Claims 1-2, 5-7, 9-13, 15-18 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,526,030 issued to Rezaiifar et al. ("*Rezaiifar*"). The Office Action further rejects Claims 3-4, 8-9, 14 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Rezaiifar* in view of U.S. Patent No. 6,729,929 issued to Sayers et al. ("*Sayers*") and Claim 22 under 35 U.S.C. §103(a) as being unpatentable over *Rezaiifar* in view of U.S. Patent No. 6,275,506 issued to Fazel et al. ("*Fazel*"). Applicant respectfully traverses these rejections for the reasons stated below.

With respect to independent Claim 1, as amended, Applicant respectfully submits that *Rezaiifar* does not teach or suggest "providing a control channel that assigns data rates to the plurality of logical channels, the control channel including interfered carrier information." The Examiner states at page 5 of the Office Action that "*Rezaiifar*, et al. further discloses . . . the control channel includes interfered carrier information (col. 5, lines 27-32)." However, referring to col. 5, lines 29-32 of *Rezaiifar*, it states that "in addition, the data rate can be variable and can be dependent on the carrier-to-interference ratio (C/I) as measured by the receiving remote station 6 and the required energy-per-bit-to-noise ratio (E_b/N_o)." This passage does not teach or suggest that the control channel of *Rezaiifar* includes interfered carrier information, as recited in Applicants' Claim 1. In fact, this passage says nothing about the control channel. Thus, for at least this reason, *Rezaiifar* does not anticipate independent Claim 1, as amended, and the claims

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that dependent from independent Claim 1; namely, Claims 2-9. Reconsideration and favorable action are respectfully requested.

With respect to independent Claim 10, as amended, Applicant submits that *Rezaiifar* does not teach or suggest at least "the control channel being configured to change the data rate assigned to each of the at least one logical communication channel based upon signal quality information about data communicated with the signal." The Examiner states at page 4 of the Office Action that "Rezaiifar, et al. further discloses ... the information about data communicated with the signal comprises signal quality information (col. 2, lines 57-65)." However, this section in *Rezaiifar* does not teach or suggest anything related to the control channel of *Rezaiifar* being configured to change the data rate of a communication channel based upon signal quality information about data communicated with the signal. This passage merely discusses parameters that measure the quality and effectiveness of a data communication system. The control channel of *Rezaiifar* is discussed at columns 9 and 10 and nowhere in these columns does it state that the control channel changes data rates of logical communication channels based upon signal quality information about data communicated with this signal, as recited in Claim 10. Thus, for at least this reason, *Rezaiifar* does not anticipate independent Claim 10 or the claims that depend from independent Claim 10; namely, Claims 12 and 14-16. Reconsideration and favorable action are respectfully requested.

Applicant respectfully submits that independent Claim 17, as amended, is allowable for reasons analogous to those above in conjunction with independent Claim 10. Thus, independent Claim 10 and dependent Claims 18-22 are allowable. Reconsideration and favorable action are respectfully requested.

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CONCLUSIONS

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant hereby takes an Extension of Time for responding to the Examiner's Office Action dated August 11, 2004 for one (1) month from November 11, 2004 to December 11, 2004. A separate Notification of Extension of Time with check in the amount of \$120.00 to satisfy the extension of time fee is hereby attached.

Applicant believes no other fees are currently due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 19-2179 of Siemens Corporation.

Date: Dec. 13, 2004

Respectfully requested,

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